

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JANUARY 25, 2001**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: John M. Palatiello, Hunter Mill District

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The meeting was called to order at 8:20 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION APPROVE THE FOLLOWING MINUTES:

MARCH 2, 2000	APRIL 6, 2000
MARCH 9, 2000	APRIL 12, 2000
MARCH 16, 2000	APRIL 13, 2000
MARCH 22, 2000	APRIL 26, 2000
MARCH 30, 2000	APRIL 27, 2000

Commissioners Byers and Kelso seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioner Palatiello absent from the meeting.

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Commissioner Kelso announced his intent to defer the public hearing on RZ-2000-LE-023, Tavares Concrete Company, Inc. to July 12, 2001, due to the authorization of an Out-of-Turn Plan Amendment to review the area on the east side of Cinderbed Road. He noted that the public

hearing on RZ-2000-MD-062, Tavares Concrete Company, Inc. on the west side of Cinderbed Road, was still scheduled for April 11, 2001.

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Commissioner Alcorn updated the Commission on pending General Assembly legislation concerning cluster by-right development as well as the Board of Supervisors' hearing on Monday, January 22, 2001 on the Residential and Infill Development Study recommendations.

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Chairman Murphy reminded Commissioners to submit their committee preferences to the Planning Commission staff as soon as possible.

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PCA-89-V-059 - TOSCO REFINING LP

SE-00-V-031 - TOSCO REFINING LP (Decision Only)

(The public hearing on this application was held on December 13, 2001. A complete verbatim transcript of the decision made is included in the date file.)

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE PCA-89-V-059, SUBJECT TO EXECUTION OF THE PROFFERS CONSISTENT WITH THOSE DATED DECEMBER 8, 2000.

Commissioner Kelso seconded the motion which carried by a vote of 8-0-1 with Commissioner Hall abstaining; Commissioners DuBois and Wilson not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS REAFFIRM THE MODIFICATION OF THE TRANSITIONAL SCREENING AND THE BARRIER REQUIREMENTS IN FAVOR OF THE BUFFER AND BARRIERS PREVIOUSLY APPROVED.

Commissioner Kelso seconded the motion which carried by a vote of 8-0-1 with Commissioner Hall abstaining; Commissioners DuBois and Wilson not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS REAFFIRM THE WAIVER OF THE SERVICE DRIVE ALONG ROUTE 123.

Commissioner Kelso seconded the motion which carried by a vote of 8-0-1 with Commissioner Hall abstaining; Commissioners DuBois and Wilson not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE SE-00-V-031, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JANUARY 22, 2001.

Commissioner Kelso seconded the motion which carried by a vote of 8-0-1 with Commissioner Hall abstaining; Commissioners DuBois and Wilson not present for the vote; Commissioner Palatiello absent from the meeting.

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENTS ALONG THE WESTERN AND SOUTHERN PROPERTY BOUNDARIES FOR SE-00-V-031 IN FAVOR OF THE BUFFER SHOWN ON THE SE PLAT.

Commissioner Kelso seconded the motion which carried by a vote of 8-0-1 with Commissioner Hall abstaining; Commissioners DuBois and Wilson not present for the vote; Commissioner Palatiello absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. ZONING ORDINANCE AMENDMENT (BARRIER FEE REDUCTION)
2. CSPA-80-P-039-3 - THE ORR COMPANY
3. RZ-2000-DR-047 - MANUEL G. SERRA
FDP-2000-DR-047 - MANUEL G. SERRA

This order was accepted without objection.

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ZONING ORDINANCE AMENDMENT (Barrier Fee Reduction) - Appl.
to amend Chap. 112, as follows: Amend the Group 9 special permit appl.
fee for noise barriers on individual residential lots to reduce it from \$2970
to \$165. PUBLIC HEARING.

Mr. John Bell, Zoning Administration Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the Zoning Ordinance Amendment.

Chairman Murphy called for speakers from the audience, but received no response. He noted no rebuttal was necessary. There were no comments or questions from the Commission and no closing staff reports, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Moon for action on this item. (A verbatim transcript is in the date file.)

Commissioner Moon MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS ADOPT THE PROPOSED ZONING ORDINANCE AMENDMENT AS STATED IN THE STAFF REPORT DATED OCTOBER 30, 2000.

Commissioners Wilson and Byers seconded the motion which carried unanimously with Commissioner Palatiello absent from the meeting.

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CSPA-80-P-039-3 - THE ORR COMPANY - Appl. to amend the previously approved CSP for RZ-80-P-039 to permit a revised comprehensive sign plan for mixed use development on property located generally in the N.W. quadrant of the intersection of Lee Hwy. & Nutley St. on approx. 10.0 ac. zoned PDC & HC. Tax Map 48-4((1))58. PROVIDENCE DISTRICT. PUBLIC HEARING.

Mr. Kevin Tankersley, with Land Design, Inc., agent for the applicant, reaffirmed the affidavit dated January 2, 2001. There were no disclosures by Commission members.

Ms. Catherine Belgin, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Commissioner Smyth noted that she would be deferring a decision on this application after the public hearing was held, so that development conditions could be finalized.

Mr. Tankersley stated that the application was a revision of a previously approved sign plan due to design modifications for the office building in Land Bay D. He explained that there would be no change in the design, materials, colors or fonts of the sign.

Chairman Murphy called for speakers from the audience, but received no response. He noted no rebuttal was necessary. There were no comments or questions from the Commission and no closing staff remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Smyth for deferral of this item. (A verbatim transcript is in the date file.)

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Commissioner Smyth MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON CSPA-80-P-039-3 TO A DATE CERTAIN OF FEBRUARY 8, 2001 WITH THE WRITTEN RECORD TO REMAIN OPEN.

Commissioners Alcorn and Byers seconded the motion which carried unanimously with Commissioner Wilson not present for the vote; Commissioner Palatiello absent from the meeting.

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RZ-2000-DR-047/FDP-2000-DR-047 - MANUEL G. SERRA - Appls. to rezone from R-1 to PDH-2 to permit residential development at a density of 2.0 du/ac & approval of the conceptual & final development plans on property located generally on the W. side of Balls Hill Rd., approx. 600 ft. N. of the intersection of Lewinsville Rd. & Balls Hill Rd. on approx. 2.00 ac. Comp. Plan Rec: 2-3 du/ac. Tax Map 30-1((1))30 & 31.
DRANESVILLE DISTRICT. PUBLIC HEARING.

John Bellaschi, Esquire, with McGuire Woods, LLP, reaffirmed the affidavit dated January 5, 2001. There were no disclosures by Commission members.

Mr. Charles Burnham, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the applications.

Mr. Bellaschi stated that the proposed development was a model of infill development, consistent with the Comprehensive Plan and compatible with surrounding development. He said an innovative state-of-the-art rain garden bioretention system was being proposed in lieu of a traditional stormwater management facility. He noted that it would be environmentally sensitive, effective and aesthetically pleasing. He explained that the applicant had proffered to a conservation covenant on the periphery of the property bordering the neighbors to provide an extensive buffer and mitigate stormwater runoff. He indicated the proposed private street with an alternative turnaround design would result in less impervious surface and more greenspace. In addition, he pointed out that the roofs of the homes would be designed so that stormwater runoff would be directed toward swales and underground drains. Mr. Bellaschi said the applicant had agreed to provide supplemental plantings, dedicate land and escrow money for the future widening of Balls Hill Road; construct a sidewalk along Balls Hill Road and make a monetary contribution for off-site recreational facilities. He further noted that the applicant had worked very closely with staff and had the support of the McLean Citizens Association and other civic associations in the area, and therefore requested favorable consideration.

At Commissioner DuBois' request, Mr. Larry McDermott, with Dewberry and Davis, identified the location of the rain garden and explained how stormwater would be captured and reach the underground stormwater management system.

In response to a question from Commissioner Alcorn, Mr. McDermott said that it was his understanding that once the rain garden was fully functional it would be virtually maintenance

free. Commissioner Alcorn commented that although rain gardens were not in wide use, there was evidence that they were effective. Ms. Leslie Johnson, ZED, DPZ, added that staff from the Department of Public Works and Environmental Services had reviewed the proposed bioretention facility.

In response to a question from Commissioner Byers, Mr. McDermott said that he would provide Commissioner Byers with a list of species recommended for a rain garden as well as the location of existing facilities in the County.

Responding to a question from Commissioner Harsel, Mr. Bellaschi said that the existing home on the property would continue to be occupied by its present owner and until it was sold and redeveloped, maintenance of the rain garden would be the responsibility of the owners of the three new homes. He noted that proffers required that a homeowners association be established to maintain the private street, the rain garden and the conservation area. He added that the applicant would be required to disclose this information to all purchasers. Commissioner Harsel expressed concern about the ability of the homeowners to maintain the rain garden.

Mr. Bellaschi and Mr. Burnham responded to a question from Commissioner Moon about the location of the proposed rain garden.

Commissioner DuBois noted that Ms. Valerie Tucker, Department of Public Works and Environmental Services, had informed her that a functional, attractive rain garden existed in the vicinity of Blake Lane and Edgelea Road.

In response to a question from Commissioner DuBois, Mr. Bellaschi said that the proposed rain garden was located outside of the restrictive covenant area.

Commissioners Alcorn and Byers and Mr. McDermott discussed the feasibility of converting existing stormwater management facilities into rain gardens.

In response to a question from Commissioner Hall, Mr. Bellaschi said that it would be the applicant's responsibility to ensure that the rain garden was working effectively before the responsibility for its maintenance was turned over to the homeowners association.

Responding to a question from Commissioner Smyth, Mr. Bellaschi said that a clause would be added to the contract informing the buyers that it was their responsibility to maintain the rain garden. Commissioner Smyth suggested that the applicant consider making the clause conspicuous so that it was not overlooked. Commissioner Harsel commented that perhaps buyers should be notified at the time of sale.

Mr. Bellaschi responded to questions from Commissioners Alcorn and Harsel about alternatives to a rain garden, including a conventional stormwater management facility or a waiver of it, and reducing the number of lots to two.

Chairman Murphy called the first listed speakers and recited rules for testimony before the Commission.

Ms. Lois Topping, 1403 Westby Court, McLean, noting that the sewer easement running across her property came within two feet of the corner of her home, said she was very concerned that her property could be damaged by the installation of sewer lines and trees would be sacrificed. She requested that relocation of the sewer line be considered.

Mr. Burnham responded to a question from Commissioner Harsel about the size of the easement.

Mr. Jonathan Gafni, 1311 Ozcan Street, McLean, member of the McLean Knolls Civic Association, said the plan lacked specific information about the limits of clearing and grading and the size and location of the homes. He said without that information, it was difficult to determine if the proposed development was compatible with and would have no adverse impact on the surrounding neighborhood. He also expressed concern about the location and effectiveness of the stormwater management system.

Mr. Francis DeLucia, 7306 Yates Court, McLean, President, McLean Knolls Civic Association, expressed concern about tree preservation, public safety along Balls Hill Road, and stormwater management.

Ms. Johnson responded to questions from Commissioner Byers about the location of the sanitary and stormwater sewer lines.

Dr. Josef Dvorak, 7307 Yates Court, McLean, expressed concern that the existing drainage problem on his property would be exacerbated as a result of the proposed development.

Mr. Jim Landry, 7305 Yates Court, McLean, expressed concern about stormwater management, the configuration of the private street and traffic on area roads.

Ms. Adrienne Whyte, 6704 West Falls Way, Falls Church, McLean Citizens Association, expressed the support of the Citizens Association for the proposed development.

There were no further speakers. Therefore, Chairman Murphy called upon Mr. Bellaschi for a rebuttal statement.

Addressing the concerns raised by Ms. Topping, Mr. Bellaschi pointed out that the sewer easement existed at the time she purchased her home. He said the applicant would continue to work with Ms. Topping to address her concerns. He noted that a County Ordinance prohibited the applicant from exacerbating the existing drainage problem and that it should be significantly improved as a result of the proposed development. Mr. McDermott then explained in detail how the design of the development and the rain garden would effectively manage stormwater runoff. Mr. Bellaschi noted that the present plan was the same plan that had been presented to the civic

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associations who supported the development. In conclusion, he said it was an environmentally sensitive and responsible infill development.

In response to a question from Commissioner Hall, Mr. Bellaschi said if development on the subject property were to occur by-right, the sewer easement referred to by Ms. Topping would be used and her concerns would not have to be addressed.

Due to a malfunction of the recording equipment, the Commission recessed at 10:20 p.m. and reconvened at 10:30 p.m.

Mr. Bellaschi and Mr. McDermott responded to questions from Commissioner Smyth about the possibility of the eliminating the existing drainage problem. Mr. Bellaschi added that while the applicant would do everything possible to improve the existing problem, he could not make a commitment to solve it.

Chairman Murphy pointed out that some of the issues raised tonight were unable to be addressed during the public hearing process, but would be addressed at the time of site plan review. He said it was unfortunate that staff from the Department of Public Works and Environmental Services had been unable to attend tonight's meeting to answer some of the questions raised.

Chairman Murphy requested that Proffer Number 3 be revised to state that the contribution for recreational facilities be made to the Park Authority, and that Proffer Number 10 clearly state the responsibilities of the homeowners association.

There were no further comments or questions from the Commission. Staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner DuBois for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner DuBois MOVED TO DEFER DECISION ON RZ-2000-DR-047 AND FDP-2000-DR-047, MANUEL G. SERRA, TO A DATE CERTAIN OF FEBRUARY 8, 2001.

Commissioners Alcorn and Byers seconded the motion which carried unanimously with Commissioner Palatiello absent from the meeting.

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The meeting was adjourned at 10:50 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

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CLOSING

January 25, 2001

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved on: October 18, 2001

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission